

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

REC'D 29 JUN 2005

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To:

see form PCT/ISA/220

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/JP2005/004411

International filing date (day/month/year)  
08.03.2005

Priority date (day/month/year)  
10.03.2004

International Patent Classification (IPC) or both national classification and IPC  
F04C29/10, F04C18/344, F04C29/02

Applicant  
TOYOTA JIDOSHA KABUSHIKI KAISHA

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Authorized Officer

Descoubes, P

Telephone No. +49 89 2399-7066



**WRITTEN OPINION OF THE  
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**Box No. I Basis of the opinion**

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1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material:  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing:  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. II Priority**

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1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	1-16
	No: Claims	
Inventive step (IS)	Yes: Claims	1-16
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-16
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

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**Box No. VII Certain defects in the international application**

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The following defects in the form or contents of the international application have been noted:

**see separate sheet**

Reference is made to the following documents:

D1: PATENT ABSTRACTS OF JAPAN vol. 2000, no. 18, 5 June 2001 (2001-06-05) & JP 03 115792 A (BARMAG AG), 16 May 1991 (1991-05-16)

1. The present application appears to meet the requirements of Articles 33(2) PCT and 33(3) PCT.

Document D1, which is considered to represent the most relevant state of the art, discloses a method of operating a gas vane pump from which the subject-matter of claims 1 and 15 differs in that the rotor is stopped at an angular position relative to the housing such that the mass of lubricant remaining in a lowest portion of the pump chamber is divided in two portions by an initial divider vane.

The subject-matter of claims 1 and 15 therefore appears to be new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as to provide a method of operating a gas vane pump which ensures a low starting torque.

The available prior art discloses alternative solutions to avoid oil fooling of the compression chamber at pump stop. However, there is no indication in the prior art that would prompt the skilled person to solve the problem as proposed in claim 1 and 15. Therefore, the subject-matter of claims 1 and 15 appears to involve an inventive step.

2. A similar analysis shows that the subject-matter of apparatus claim 7 also appears to be new and to involve an inventive step.
3. Claims 2-6,8-14 and 16 are all dependent on claims 1, 7 and 15 respectively and as such also meet the requirements of the PCT with respect to novelty and inventive

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AUTHORITY (SEPARATE SHEET)**

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step.

4. The industrial applicability of the claimed subject-matter is self-evident.
5. The attention of the applicant is also drawn to the following:
  - a) Contrary to the requirements of Rule 6.2 (b) PCT the claims do not contain reference signs in parentheses. This applies to both the preamble and the characterising portion.
  - b) The vague and imprecise statement in the description on page 10 lines 10-13 and lines 18-22 implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity of the claims (Article 6 PCT) when used to interpret them.